

# JOURNAL OF THE HOUSE

First Regular Session, 93rd GENERAL ASSEMBLY

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TWENTY-SEVENTH DAY, TUESDAY, FEBRUARY 22, 2005

The House met pursuant to adjournment.

Representative Quinn in the Chair.

Prayer by Father David Buescher.

Healing God, remind us today of the old saying, "Sticks and stones may break my bones, but names can never hurt me." You know, Lord, that's true - unless WE LET THEM.

Give today to all these men and women gathered here a double portion of Your kind of inner serenity, and that manner of wisdom which knows when to speak and when to embrace the silence.

And let their words be said or not said, not just for personal gain, but for the good of their constituents and of the whole state. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Ashley Rhoads, Claire Zaupe, Courtney Zoeller, Caroline Brockhaus, Michelle Scherrer and Taylor Daniels.

The Journal of the twenty-sixth day was approved as printed by the following vote:

AYES: 155

Aull	Baker 123	Baker 25	Barnitz	Bearden
Behnen	Bivins	Black	Bland	Boykins
Bringer	Brooks	Brown 30	Brown 50	Bruns
Burnett	Byrd	Chappelle-Nadal	Casey	Chinn
Cooper 120	Cooper 155	Cooper 158	Corcoran	Cunningham 145
Cunningham 86	Curls	Darrough	Daus	Davis
Day	Deeken	Dempsey	Denison	Dethrow
Dixon	Donnelly	Dusenberg	El-Amin	Emery
Ervin	Faith	Fares	Fisher	Flook
Franz	Fraser	George	Goodman	Guest
Harris 110	Harris 23	Haywood	Henke	Hobbs
Hoskins	Hughes	Hunter	Ice	Jackson
Johnson 47	Johnson 61	Johnson 90	Jolly	Jones
Kelly	Kingery	Kratky	Kraus	Kuessner
Lager	Lampe	Lembke	LeVota	Liese
Lipke	Loehner	Low 39	Lowe 44	Marsh
May	McGhee	Meadows	Meiners	Moore
Munzlinger	Muschany	Myers	Nance	Nieves
Nolte	Oxford	Page	Parker	Parson



Pearce	Phillips	Pollock	Portwood	Pratt
Quinn	Rector	Richard	Roark	Robb
Robinson	Roorda	Rucker	Ruestman	Rupp
Salva	Sander	Sater	Schaaf	Schad
Schlottach	Schneider	Schoemehl	Selby	Self
Shoemyer	Skaggs	Smith 14	Spreng	Stefanick
Stevenson	St. Onge	Storch	Sutherland	Swinger
Threlkeld	Tilley	Viebrock	Villa	Vogt
Wagner	Wallace	Walsh	Walton	Wasson
Wells	Weter	Whorton	Wildberger	Wilson 119
Wilson 130	Witte	Wood	Wright-Jones	Wright 137
Wright 159	Yaeger	Young	Zweifel	Mr Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Avery	Bean	Bowman	Dougherty	Hubbard
Smith 118	Yates			

VACANCIES: 001

### **SPECIAL RECOGNITION**

The Officers of the Missouri State Future Farmers of America were introduced by Representative Quinn.

Ms. Susan Bernt, President of the Missouri State Future Farmers of America, addressed the House.

Speaker Pro Tem Bearden assumed the Chair.

### **HOUSE RESOLUTIONS**

Representative Deeken offered House Resolution No. 717.

Representative Lampe, et al., offered House Resolution No. 720.

### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 718 - Representative Wells

House Resolution No. 719 - Representative Selby

House Resolution No. 721 - Representative Lager

House Resolution No. 722

and

House Resolution No. 723 - Representative Munzlinger

House Resolution No. 724

through

House Resolution No. 726 - Representative Wood

House Resolution No. 727 - Representative Roorda



House Resolution No. 728  
through  
House Resolution No. 730 - Representative Kraus  
House Resolution No. 731 - Representative Hubbard  
House Resolution No. 732 - Representatives Darrough and Spreng  
House Resolution No. 733 - Representative Sander  
House Resolution No. 734 - Representative Lager  
House Resolution No. 735 - Representative Phillips  
House Resolution No. 736 - Representative Richard  
House Resolution No. 737 - Representative Bowman, et al.  
House Resolution No. 738 - Representative Burnett

### **SECOND READING OF HOUSE JOINT RESOLUTION**

**HJR 18** was read the second time.

### **SECOND READING OF HOUSE BILLS**

**HB 594** through **HB 601** were read the second time.

### **SECOND READING OF SENATE BILL**

**SCS SB 270** was read the second time.

### **COMMITTEE REPORT**

**Committee on Rules**, Chairman Cooper (120) reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 347**, begs leave to report it has examined the same and recommends that it **Do Pass, with no time limit for debate**.

### **HOUSE RESOLUTIONS**

**HR 11**, relating to use of chamber, was taken up by Representative Pratt.

On motion of Representative Pratt, **HR 11** was adopted.

**HR 12**, relating to use of chamber, was taken up by Representative Pratt.

On motion of Representative Pratt, **HR 12** was adopted.

**HR 96**, relating to use of chamber, was taken up by Representative Portwood.

On motion of Representative Portwood, **HR 96** was adopted.

**HR 163**, relating to use of chamber, was taken up by Representative Jones.



On motion of Representative Jones, **HR 163** was adopted.

### **RECESS**

On motion of Representative Dempsey, the House recessed until 11:30 a.m. for the purpose of receiving an address from Senator Christopher S. Bond.

The hour of recess having expired, the House was called to order by Speaker Jetton.

Senator Bond addressed the House.

With the elections over, I am delighted to get back to work.

My old colleague Alan Simpson used to say that Presidential election-year politics remind him of lightning hitting the outhouse.

My Congratulations to you all and to the Governor and his new team.

We have a lot of hard work to do and I wouldn't have it any other way.

The President has set a challenging second-term agenda for Washington.

Whether one supports or opposes his agenda, President Bush has proven to be a leader who is not afraid to believe in big ideas, does not shy away from criticism, and has the courage to take on tough issues that most might choose rather to defer.

We need to complete a highway bill which improves the foundation for future efficiency, economic growth, job creation, and safety.

We are currently building the strategy to do just that and my goal is to maximize funds for Missouri priorities and we expect legislative action to be underway this spring.

With Tom Daschle now returned to the private sector, we hope to win passage of a new energy bill to increase opportunities for domestic producers of energy including our farmers while decreasing our reliance on expensive foreign sources of energy.

This month, we had a tremendous victory with final passage of Class Action legal reform to help protect the rights of plaintiffs to win remedies they deserve without imposing the costly jackpot system of civil justice on our economy that has been benefitting primarily tort lawyers.

Again, another ray of hope that the strategy of obstruction in Washington has diminished clout.

The next legal reform priority will be to address medical malpractice which drives up the cost of medicine and makes it harder for patients to find doctors.

We have a budget that is tough medicine and shows the President is willing to make hard decisions that are necessary.

While the Congress will certainly make modifications to the details of the President's budget, I believe that we will have to meet his overall budget targets and that will not be easy.

The solution of some will be not to tighten the belt, but just to buy a bigger belt by raising taxes.



This, we will resist because a \$2.5 trillion budget should be enough and we cannot afford to frustrate our economy with higher taxes as we struggle to grow out of the recession and to create more jobs.

The President has boldly stepped up to the plate to suggest that we strengthen Social Security for not just this, but for the next generations.

In response, Senator Schumer from New York said he will filibuster the President's plan - a plan which has not been released.

We can only assume, Senator Schumer plans either to support higher social security taxes or do nothing as an alternative.

Last week, I introduced new election reform legislation to continue the goal of making it easier to vote and harder to cheat which includes new security features to ensure legitimate voters are not cheated by illegal votes.

Soon, I will be introducing legislation to build on the tremendous success of "Parents as Teachers" program we began here in Missouri.

Parents as Teachers is now 21 years old which shows my age.

It began as an experiment in Missouri and has expanded to more than 3,000 sites in all 50 states and six foreign countries.

My new legislation, called the, "Education Begins at Home Act" will authorize the first, dedicated federal funding stream to support Parents as Teachers at the state and local levels.

When authorized and funded, there will be ten times more families receiving PAT services.

To help States improve air quality and cope with federal regulations, I am hopeful that the Senate can pass the President's "Clear Skies" Initiative.

Clear Skies will force massive pollution cuts from electric power plants:

- 70 percent cut of acid rain causing sulfur dioxide
- 70 percent cut of smog causing nitrogen oxides
- 70 percent cut of mercury

The 70 percent mercury cut represents the first time we have ever required mercury pollution cuts from power plants.

Clear Skies pollution cuts will clean up local air pollution in areas that violate federal standards like St. Louis and Kansas City - so much so that dreaded local controls like road building and manufacturing restrictions will not be needed.

Finally, the President remains committed to freedom and security and the leading role of America as the world's only super power.

I have visited those who have suffered for the freedom and safety of others during my visits to Walter Reed and Bethesda Naval and my son - a new Marine - is leaving this week for Iraq so I have a personal understanding that the history of man's pursuit of freedom is always costly.

It is surpassed only by the human cost of tyranny, oppression, and unbridled aggression.

We must remain resolute and ensure that those who are on the battle lines of this new threat to freedom know they have the tools, the resources, and the moral support from those back home.



We know America's finest on the front line won't crack under fire. We have to make sure the terrorists know that the American public will not crack behind the wall of safety provided by those on the front lines.

We have been tested a great many times since our founders declared that persons have a right to liberty endowed by our Creator.

The Iraqi people who bravely voted for liberty and against terror under threat of death is a modern reminder of the enduring wisdom of our founders.

In our country, it took 15 years after declaration and a war to approve a Constitution and elect a President and another 75 years and our bloodiest war - a civil war - to ensure that all people are above slavery.

It took another 55 years to permit women to vote and another 45 years to ensure that black American adults could vote.

So the road ahead in the Middle East will be difficult to transition to liberty from a deprived and despotic region known more for producing terror than opportunity.

But who among us, four years ago, could have imagined that the Palestinians would have a legitimate leader who is honestly seeking peace with Israel while a pro-western ally against terror would be inaugurated in Afghanistan and an Iraq - without Saddam and his despicable sons - would hold a legitimate election.

The concept of freedom taking hold in a region some thought incapable of freedom is proving contagious and making nervous opponents of freedom in Iran, Syria and Saudi Arabia.

From the Revolutionary War to the Civil War to the World Wars through the Cold War, we have not failed freedom and we can not fail it here.

There is too much at stake. There are too many threats and too many opportunities for us not to prevail.

Once again, we have a great deal of important work to do - an opportunity that is not daunting, but inspiring.

Let's get to it.

## COMMITTEE REPORTS

**Committee on Budget**, Chairman Lager reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HB 14**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

**Committee on Higher Education**, Chairman Kingery reporting:

Mr. Speaker: Your Committee on Higher Education, to which was referred **SS SCS SB 98**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

**Committee on Job Creation and Economic Development**, Chairman Richard reporting:

Mr. Speaker: Your Committee on Job Creation and Economic Development, to which was referred **HB 135**, begs leave to report it has examined the same and recommends that the **House**



**Committee Substitute Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

**Committee on Local Government**, Chairman Johnson (47) reporting:

Mr. Speaker: Your Committee on Local Government, to which was referred **HB 40**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

**Committee on Tourism**, Chairman Marsh reporting:

Mr. Speaker: Your Committee on Tourism, to which was referred **HB 370**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

### **INTRODUCTION OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was read the first time and copies ordered printed:

**HJR 19**, introduced by Representative Brown (30), relating to appropriations for public education.

### **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 602**, introduced by Representative Wagner, relating to police relief and pension systems.

**HB 603**, introduced by Representative Schaaf, relating to any willing providers for health insurance.

**HB 604**, introduced by Representative Schaaf, relating to state-qualified health coverage option plans for the federal health coverage tax credit.

**HB 605**, introduced by Representatives Cooper (158), Franz, Wells, Sater, Moore, Denison, Muschany, Dusenberg, Wright (159), Dempsey, Schlottach, Cunningham (86), Threlkeld and Dixon, relating to the Missouri foundation for health.

**HB 606**, introduced by Representative Lembke, relating to police relief and pension systems.

**HB 607**, introduced by Representative Brown (30), relating to the prevailing wage.

**HB 608**, introduced by Representatives Brown (30), Phillips, Dusenberg, Sanders Brooks, Skaggs, Hughes, Pratt, Lowe (44), Jolly, Bland, Johnson (47), Curls, Flook, Burnett, LeVota, Kraus, Jones, Lipke, Roorda, Casey, Johnson (90), Meiners, Low (39), Brown (50), Young, Salva, Dixon, Bearden, Nieves, Bruns and Dempsey, relating to prohibited activities by Kansas City police officers.

**HB 609**, introduced by Representative Kratky, relating to police relief and pension systems.



**HB 610**, introduced by Representative Kratky, relating to police retirement systems.

**HB 611**, introduced by Representatives Zweifel, Darrough, Dougherty, Oxford, Storch and Donnelly, relating to campaign finance regulations for certain general assembly leadership offices.

**HB 612**, introduced by Representatives Wells, Johnson (47), Wilson (119), Dixon, Denison, Dethrow, Sater, Munzlinger, Wallace, Loehner, Pollock, Barnitz, Wright (137), Chinn and Swinger, relating to protection of bridges.

## **COMMUNICATION**

February 22, 2005

Steve Davis, Chief Clerk  
Missouri House of Representatives  
The State Capitol  
Jefferson City, MO 65101

Dear Mr. Davis:

Per RSMo 105.461, I am informing you that my husband, Scott Taylor, is serving on the Re-Discover Mental Health and Substance Abuse Service Board.

Please contact me if you have any questions.

Very truly yours,

/s/ Cathy Jolly

The following members' presence was noted: Bowman, Hubbard, Smith (118) and Yates.

## **ADJOURNMENT**

On motion of Representative Dempsey, the House adjourned until 10:00 a.m., Wednesday, February 23, 2005.

## **COMMITTEE MEETINGS**

### **APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES**

Wednesday, February 23, 2005, 8:00 a.m. Hearing Room 4.

Markup. Executive session may follow. AMENDED

### **APPROPRIATIONS - EDUCATION**

Wednesday, February 23, 2005, 2:45 p.m. Hearing Room 1.

Markup. Executive session. AMENDED



**APPROPRIATIONS - GENERAL ADMINISTRATION**

Wednesday, February 23, 2005, 2:45 p.m. Hearing Room 7.

Executive session - Markup - Office of Governor, Lt. Governor, Secretary of State, Treasurer, Attorney General, Auditor, Department of Revenue, Office of Administration - Public Debt, Employee benefits, General Assembly, Public Defender, Judiciary.

**APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS**

Wednesday, February 23, 2005, 2:45 p.m. Hearing Room 6.

Markup will take place for both departments.

Executive session may follow. Committee will reconvene at 6:00 p.m.

**APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT**

Wednesday, February 23, 2005, 2:45 p.m. Hearing Room 5.

Markup for Departments of Transportation, Economic Development, Insurance, Labor and Industrial Relations.

**CHILDREN AND FAMILIES**

Wednesday, February 23, 2005, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: HB 205

Executive session may be held on: HB 100

**CONSERVATION AND NATURAL RESOURCES**

Wednesday, February 23, 2005, 6:00 p.m. Hearing Room 1.

Executive session may follow. AMENDED

Public hearings to be held on: HJR 8, HB 192, HJR 16

**ELEMENTARY AND SECONDARY EDUCATION**

Wednesday, February 23, 2005, 8:00 a.m. Hearing Room 3.

Executive session may follow. Public hearing on HB 258 if time allows.

Public hearing to be held on: HB 145

**HEALTH CARE POLICY**

Wednesday, February 23, 2005, 8:00 a.m. Hearing Room 6.

Public hearings to be held on: HB 401, HB 108, HB 131

Executive session will be held on: HB 131

**JOB CREATION AND ECONOMIC DEVELOPMENT**

Wednesday, February 23, 2005, 12:00 p.m. Hearing Room 6.

Executive session may follow. AMENDED

Public hearings to be held on: HB 326, HB 32, HB 348, HB 227

**LOCAL GOVERNMENT**

Thursday, February 24, 2005, 8:00 a.m. Hearing Room 6.

Executive session will follow. AMENDED

Public hearings to be held on: HB 200, HB 342, HB 343, HB 344, HB 345, HB 448



PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, February 23, 2005, 12:00 p.m. Hearing Room 1.

Public hearings to be held on: HB 182, HB 402

Executive session will be held on: HB 56, HB 174

RETIREMENT

Wednesday, February 23, 2005, 6:00 p.m. Hearing Room 7.

Executive session will follow. AMENDED

Public hearings to be held on: HB 195, HB 323, HB 411, HB 443

RULES

Wednesday, February 23, 2005, 3:00 p.m. Hearing Room 3.

Executive session may follow.

Public hearings to be held on: HCS HB 14, SS SCS SB 98

SENIOR CITIZEN ADVOCACY

Thursday, February 24, 2005, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearings to be held on: HB 169, HB 373, HB 420, HB 507, HB 141

TOURISM

Thursday, February 24, 2005, 9:00 a.m. House Lounge.

Presentation of the annual report by the Tourism Commission.

TRANSPORTATION

Wednesday, February 23, 2005, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearings to be held on: HB 423, HB 490, HB 377, HB 307

UTILITIES

Wednesday, February 23, 2005, Hearing Room 5 upon morning adjournment.

Hearing will begin at 12:00 p.m. if session ends early.

Executive session may follow.

Public hearing to be held on: HB 338

VETERANS

Wednesday, February 23, 2005, 8:00 a.m. Hearing Room 5.

Executive session will follow. Reconsideration of HCS for HB 94 and HB 185.

Public hearing to be held on: HB 437

WAYS AND MEANS

Wednesday, February 23, 2005, Hearing Room 7 upon morning adjournment.

Possible Executive session.

Public hearings to be held on: HB 291, HB 461



**WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY**

Wednesday, February 23, 2005, 12:00 p.m. Hearing Room 3.

Executive session may follow.

Public hearings to be held on: HB 148, SS SCS SB 1 & 130

**HOUSE CALENDAR**

TWENTY-EIGHTH DAY, WEDNESDAY, FEBRUARY 23, 2005

**HOUSE JOINT RESOLUTION FOR SECOND READING**

HJR 19

**HOUSE BILLS FOR SECOND READING**

HB 602 through HB 612

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 468 - Richard
- 2 HCS HB 347 - Pratt

**HOUSE BILLS FOR PERFECTION - CONSENT**

(2/22/05)

- 1 HB 248 - Pearce
- 2 HCS HB 297 - Pearce

**HOUSE CONCURRENT RESOLUTION**

HCR 11, (2-17-05, Pages 351-352) - Sander